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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,542	04/23/2001	William George Krieski	013777-2	4820

24239 7590 10/19/2004

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DURHAM, NC 27705

EXAMINER
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PHAN, TAM T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

26

<b>Office Action Summary</b>	<b>Application No.</b> 09/840,542	<b>Applicant(s)</b> KRIESKI ET AL	
	<b>Examiner</b> Tam (Jenny) Phan	<b>Art Unit</b> 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/13/2001.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This application has been examined. Claims 1-15 and 17-20 are presented for examination.

***Priority***

2. No priority claims have been made.

3. The effective filing date for the subject matter defined in the pending claims in this application is 04/23/2001.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-15 and 17-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Engel et al. (U.S. Patent Number 6,115,393), hereinafter referred to as Engel.

6. Regarding claim 1, Angel disclosed a method of monitoring the behavior of a protocol contained within a network frame having at least one protocol data unit, containing at least one field (Title, Abstract, Figures 2-3, column 8 lines 32-44), comprising: receiving a set of network frames from a network (Figures 2-3, column 3 lines 34-49); filtering a one of the set of network frames for monitoring, the one of the set of network frames having at least one protocol data unit (Figures 18-19, column 8 lines 32-49); retrieving protocol knowledge of the data structure of the at least one protocol data unit enabling the extraction of the at least one field (Figures 20A-20G, column 11 lines 25-37); extracting a value from the at least one field of the at least one protocol

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data unit (Figures 20A-20G, column 2 lines 32-41, column 3 lines 4-14); and updating protocol status on a user interface with the value (Figures 7C, 8, 9B, column 3 lines 34-49, column 11 lines 35-37, column 28 line 66-column 29 line 4).

7. Regarding claim 2, Angel disclosed a method wherein the protocol status is the current state and configuration of the protocol (Figures 7C, 8, 9B, column 21 lines 32-58).

8. Regarding claim 3, Angel disclosed a method of monitoring the behavior of a protocol contained within a network frame having at least one protocol data unit, containing at least one field (Title, Abstract, Figures 2-3, column 8 lines 32-44), comprising: receiving a set of network frames from a network (Figures 2-3, column 3 lines 34-49); filtering a one of the set of network frames for monitoring, the one of the set of network frames having at least one protocol data unit (Figures 18-19, column 8 lines 32-49); retrieving protocol knowledge of the data structure of the at least one protocol data unit enabling the extraction of the at least one field (Figures 20A-20G, column 11 lines 25-37); extracting a value from the at least one field of the at least one protocol data unit (Figures 20A-20G, column 2 lines 32-41, column 3 lines 4-14); and updating protocol events on a user interface with the value (Figure 9B, column 11 lines 35-37, column 14 lines 41-52, column 28 line 66-column 29 line 4).

9. Regarding claim 4, Angel disclosed a method wherein the protocol events record the time and type of the event (column 11 line 63-column 12 line 6, column 12 lines 13-20, column 16 lines 45-62).

10. Regarding claim 5, Angel disclosed a method wherein the protocol events record the time of the event, type of the event, and message type response of the event (column 11 line 63-column 12 line 6, column 12 lines 13-20, column 16 lines 45-62).

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11. Regarding claim 6, Angel disclosed an apparatus for monitoring the behavior of a protocol contained within a network frame having at least one protocol data unit, containing at least one field (Title, Abstract, Figures 2-3, column 8 lines 32-44), the apparatus comprising: a user interface for displaying protocol status and event updates (Figures 18-19, 22, column 11 lines 25-52); a network connection (Figures 1 and 36); a protocol decoder [parser] for extracting a value from a protocol data unit of a network frame and associating the value with a keyword (column 3 lines 4-14, column 11 lines 25-52, column 19 lines 53-67); and a protocol monitor connected to the user interface and the network connection for receiving a network frame and updating protocol status and protocol events on the user interface based on the value (column 3 lines 33-49, column 18 lines 20-32, column 21 lines 32-58) .

12. Regarding claim 7, Angel disclosed a method wherein the protocol status record the time and type of the event.

13. Regarding claim 8, Angel disclosed an apparatus wherein the protocol events record the time of the event, type of the event, and message type response of the event.

14. Regarding claim 8, Angel disclosed an apparatus operable as a network analyzer.

15. Regarding claims 10-11, the apparatus for monitoring the behavior of a protocol contained within a network frame corresponds directly to the method of claims 1-2, and thus these claims are rejected using the same rationale.

16. Regarding claims 12-14, the apparatus for monitoring the behavior of a protocol contained within a network frame corresponds directly to the method of claims 3-5, and thus these claims are rejected using the same rationale.

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17. Regarding claims 15 and 17, the computer-readable medium whose contents cause a computer system to monitor the behavior of a protocol contained within a network frame corresponds directly to the method of claims 1-2 and the apparatus of claims 10-11, and thus these claims are rejected using the same rationale.

18. Regarding claims 18-20, the computer-readable medium whose contents cause a computer system to monitor the behavior of a protocol contained within a network frame corresponds directly to the method of claims 3-5 and the apparatus of claims 12-14, and thus these claims are rejected using the same rationale.

19. Since all the limitations of the claimed invention were disclosed by Engel, claims 1-15 and 17-20 are rejected.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Thompson et al. (U.S. Patent Number 6,189,038) titled "Generic notification framework system and method for enhancing operation of a management station on a network" disclosed a system integrates information from different protocols in a management station interfaced with a network and permits correlation of the information to make more sophisticated management decisions. The system has one or more protocol-specific translators in communication with the network, a generic notifications framework in communication with the translators, and one or more consumer components in communication with the framework. The translators receive event data elements corresponding with different management protocols from the network and translate the event data elements into respective canonical data structures. Each of the canonical data structures includes a generic field that is common to generally all of the canonical data structures, one or more attribute fields generated by the translator based upon an examination of a protocol data unit (PDU) associated with each of the event data elements, and a protocol data unit (PDU) that is generally identical to the native PDU that arrived with the event data element.

b. Anderson et al. (U.S. Patent Number 5,850,386) titled "Protocol analyzer for monitoring digital transmission networks" disclosed a new and improved protocol

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analyzer for monitoring digital transmission networks. The protocol analyzer of the present invention is capable of displaying station level statistics, network statistics, real-time event information, and protocol distribution. The protocol analyzer of the present invention is additionally capable of creating baseline network performance information and displaying the baseline information simultaneously with real-time performance information, pre-programming monitoring sessions, and generating presentation-quality reports in conjunction with analyzing digital transmission networks, all in real time.

c. L'Anson et al. (U.S. Patent Number 5,347,524) titled "Protocol Analyzer" disclosed a protocol analyzer for monitoring a selected communication connection being conducted in accordance with a predetermined protocol by the exchange of protocol data units between two entities over a data network. The analyzer includes a monitoring device for identifying protocol data units, a protocol-follower conditioned in dependence on said predetermined protocol and operative to follow the progress of the connection as it receives relevant protocol data units from the monitoring device, and an alarm indicating when the sequence of protocol data units diverges from the protocol. The protocol data units are passed through a FIFO store as they are used by the protocol-follower, so that on a protocol violation occurring, the sequence of protocol data units leading up to the violation can be extracted from the FIFO store and displayed. The protocol analyzer thus filters out protocol data units conforming to the relevant protocol so that only protocol data units violating the protocol, together with the immediately preceding protocol data units are displayed.

21. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665 or (571) 272-3930 (new telephone number after October 18, 2004). The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873 or (571) 272-3925 (new telephone number after October 27, 2004). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William Cuchlinski

SPE

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703-308-3873

tp

October 12, 2004